



# **PLANNING COMMISSION AGENDA REPORT**

VI. 2

MEETING DATE: NOVEMBER 10, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-39  
SOUTHWEST CORNER OF HARBOR BOULEVARD AND HAMILTON STREET  
(2089, 2099 HARBOR BOULEVARD AND 511 HAMILTON STREET)**

**DATE: OCTOBER 30, 2008**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136**

## **PROJECT DESCRIPTION**

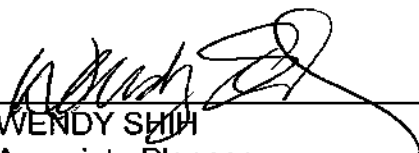
The applicant is requesting approval of a master plan to allow the remodel of three existing buildings and construction of four new buildings for a 19,000 square-foot commercial center.

## **APPLICANT**

Anna R. Lauri of Red Mountain Retail Group is representing the property owner, Harbor Hamilton, LLC.

## **RECOMMENDATION**

Adopt the Mitigated Negative Declaration and approve Planning Application PA-07-39 by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

# **PLANNING APPLICATION SUMMARY**

Location: 2089 and 2099 Harbor Bl. Application: Master Plan PA-07-39  
 511 Hamilton St.

Request: Master Plan to construct a 19,000 square-foot commercial retail center.

## **SUBJECT PROPERTY:**

Zone: PDC  
 General Plan: General Commercial  
 Lot Dimensions: Irregular  
 Lot Area: 1.53 acres

## **SURROUNDING PROPERTY:**

North: C2 (across Hamilton)  
 – Fast food restaurant and auto business  
 South: C2 – Medical and equipment rental businesses  
 East: C1 (across Harbor) – Car dealership and rental  
 West: C2 – Auto repair and community garden  
 R2-HD (across Charle)  
 – 32-unit apartment complex

Existing Development: Auto repair shop at 2089 Harbor, vacant building (formerly medical offices) at 2099 Harbor, and vacant land (formerly substandard housing with repair shop) at 511 Hamilton.

## **DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Lot Area:	1 acre	1.53 acres (66,565 SF)
Floor Area Ratio (Moderate Traffic):	Maximum 0.30 (19,969 SF)	0.29 (19,000 SF)
Site Coverage:	30 percent (19,969 SF)	25 percent (16,367 SF)
Building Height:	N/A	2 stories/30 FT maximum
Interior landscaping:	2,375 SF <sup>1</sup>	2,445 SF
Perimeter Open Space/Setbacks:		
Harbor/Hamilton/Charle	20 FT	Harbor Bl. and Hamilton St. 0 – 10 FT <sup>1</sup> Charle Street 20 FT
Parking:		
Standard	76	89
Compact	0	6
TOTAL:	76	95
Driveway width:	25 FT	25 FT

CEQA Status Mitigated Negative Declaration

Final Action Planning Commission

1 Existing nonconforming.

## **BACKGROUND**

The project site consists of five lots located on the southwest corner of Harbor Boulevard and Hamilton Street. The site has frontage on Harbor Boulevard, Hamilton Street, and Charle Street. In April 2007, City Council approved a rezone of the properties from C2 (General Business District) to PDC (Planned Development Commercial). The applicant's proposal at the time of the rezone was to combine the lots into one for the construction of commercial retail buildings along Harbor Boulevard and residential units along Charle Street.

The site is currently vacant and all existing buildings are boarded up. The following table summarizes previous uses and development on the properties:

<b>2089 Harbor</b>	Contains an approximately 1,163 square-foot building and a 980 square-foot building for Randy's Automotive repair shop; repair shop was established prior to City's incorporation. A storage/parking lot area abuts Charle Street.
<b>2099 Harbor</b>	Contains an approximately 8,500 square foot, two-story medical building constructed in 1961.
<b>511 Hamilton</b>	Vacant lot. Formerly substandard housing with a repair shop (demolished in 2003).

The applicant modified the original plan and is now proposing to combine the lots for commercial development only. The project consists of remodeling the three existing buildings and constructing four buildings resulting in a 19,000 square-foot commercial center. Master plan approval is required for developments proposed in the Planned Development zoning district.

## **ANALYSIS**

The proposed construction complies with all applicable Planned Development Commercial development standards. Building heights will vary from 12 feet to 30 feet, which is consistent with one- and two-story buildings in the area. Building elevations will consist of textured stucco, wood cladding, steel, and aluminum facades.

The project provides one access driveway on Harbor Boulevard, one on Hamilton Street, and one on Charle Street. The City's Transportation Services Division confirms that no adverse traffic impacts to the circulation system are anticipated with the project. However, since the project will be located across from residential uses on Charle Street, staff recommends a condition (no. 1) requiring construction of a minimum six-foot high block wall with 15 feet of landscaping visible from Charle Street and five feet of interior landscaping behind the wall. The zoning of the site allows a variety of commercial office, retail, and restaurant uses. Staff believes that a six-foot high block wall will provide both noise and visual buffers for the residents. Staff also recommends a condition (no. 2) limiting use of the Charle Street driveway to the hours of 6 a.m. and 11 p.m., requiring a gate to be installed and closed between 11 p.m. and 6 a.m.

The project meets or exceeds the City's off-street parking requirement (76 spaces required based on parking requirements for general office or retail uses; 95 proposed) so parking is adequate to support the development. Additional parking is proposed for potential, higher parking uses, such as restaurants or medical offices.

It is staff's opinion that the proposed project will provide an upgrade to the property without negatively impacting surrounding developments. The uses will remain commercial in nature consistent with the character of Harbor Boulevard. The proposed construction will provide visual upgrades and enhancement to the intersection.

### **GENERAL PLAN CONSISTENCY**

The Planned Development Commercial land use designation is intended to permit a wide range of commercial uses and complementary residential uses through the Planned Development process. The proposed development with a .29 floor area ratio (FAR) is within the allowable building intensity standard to accommodate moderate traffic generating uses (maximum FAR of .30 allowed). The proposed commercial center is also consistent with General Plan Land Use goals and objectives that encourage lot combination for a single project that is compatible with other properties in the vicinity.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve the master plan. If the Commission approves the application, the project may be constructed as proposed.
2. Deny the master plan. If the Commission denies the application, the project may not be constructed as proposed. A similar request may not be submitted within 6 months.

### **ENVIRONMENTAL DETERMINATION**

An Initial Study/Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and made available for public review from October 22, 2008, to November 10, 2008. The Initial Study/Mitigated Negative Declaration concluded that any potential impacts could be reduced to levels of insignificance with implementation of mitigation measures, standard State and City of Costa Mesa Code requirements, and conditions of approval.

The project site is on the California State Water Resources Control Board's (SWRCB) list of Leaking Underground Storage Tanks (LUST). Its database indicates that the groundwater on the site is potentially contaminated with diesel and gasoline; remediation was initiated as of April 5, 2006. If the project is approved, the applicant will be required to obtain a case closure letter from the Orange County Health Care Agency, indicating that the site has been adequately remediated, prior to issuance of building permits.

## **CONCLUSION**

The proposed construction complies with all applicable Planned Development Commercial development standards. It is staff's opinion that the project would improve the overall appearance of the property and intersection and would allow for revitalization of the site without creating significant environmental impacts. The proposed project is consistent with existing commercial and residential properties in the vicinity. Therefore, staff recommends approval of the master plan.

Attachments:        1. Draft Planning Commission Resolutions  
                             2. Applicant's Project Description and Justification  
                             3. Location Map  
                             4. Plans  
                             \*Initial Study/Mitigated Negative Declaration (separate document)

cc:     Deputy City Manager - Dev. Svs. Director  
         Sr. Deputy City Attorney  
         City Engineer  
         Fire Protection Analyst  
         Staff (4)  
         File (2)

Anna R. Lauri  
Red Mountain Retail Group  
1234 East 17<sup>th</sup> Street  
Santa Ana, CA 92701

File: 111008PA0739	Date: 103008	Time: 11:15 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA ADOPTING THE INITIAL  
STUDY/MITIGATED NEGATIVE DECLARATION AND  
APPROVING PLANNING APPLICATION PA-07-39**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Anna R. Lauri of Red Mountain Retail Group for Harbor Hamilton, LLC, owner of real properties located at 2089, 2099 Harbor Boulevard and 511 Hamilton Street, requesting approval of a master plan to remodel three existing buildings and construct four new buildings for a 19,000 square-foot commercial center; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008.

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and made available for public review from October 22, 2008, to November 10, 2008, as required by CEQA.

WHEREAS, the Planning Commission has reviewed the Initial Study/Mitigated Negative Declaration and has found that it considers all environmental impacts of the proposed project and is complete and adequate and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

WHEREAS, the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that the Costa Mesa Planning Commission does hereby **ADOPTS** the Initial Study/Mitigated Negative Declaration as complete and adequate in that it addresses all environmental effects on the project and fully complies with the requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

BE IT RESOLVED, according to the Initial Study/Mitigated Negative Declaration, the proposed project would not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not or cumulatively have an adverse effect on wildlife resources or habitat; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B", as well as conformance with the Mitigation Measures and Mitigation Monitoring Program contained in Exhibit "C", the Planning Commission hereby **APPROVES** Planning Application PA-07-39 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for PA-07-39 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as the Mitigation Measures and Mitigation Monitoring Program contained in Exhibit "C". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval and/or Mitigation Measures, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

**PASSED AND ADOPTED this 10<sup>th</sup> day of November, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA    )  
  )ss  
COUNTY OF ORANGE    )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on November 10, 2008, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS (APPROVAL)**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan with the approval of a master plan. It is consistent with General Plan Land Use goals and objectives that encourage lot combination for a single project that is compatible with other properties in the vicinity.
  4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan meets the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. Specifically, the proposed construction complies with all applicable Planned Development Commercial development standards and would allow for revitalization of the site without creating significant environmental impacts. The proposed project is consistent with existing commercial and residential properties in the vicinity.
- C. An initial study/mitigated negative declaration was prepared, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, according to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because mitigation measures have been added to the project.
- D. The project, as conditioned, is consistent with ChapterXII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

**EXHIBIT "B"****CONDITIONS OF APPROVAL (If project is approved)**

- Plng. 1. The applicant shall install a minimum 6-foot high decorative block wall with a 15-foot landscaped setback along Charle Street and 5-foot planter behind the wall. This condition shall be completed under the direction of the Planning Division.
2. The applicant shall install a gate to close every night between 11 p.m. and 6 a.m. to prohibit access to Charle Street.
3. Exterior elevations with sample color/materials board shall be submitted to the Planning Division as part of the plan check submittal package.
4. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
6. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Division.
7. All rooftop mechanical equipment shall be screened from view from on- and off-site under the direction of the Planning Division.
8. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited.
9. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day
10. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.
11. Demolition permits for existing structures shall be obtained and all work and

inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

12. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
13. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
- \* MM 14. Prior to issuance of a demolition or building permit for interior renovation  
4.7-1 related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.

Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.

The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.

- \* MM 15. Prior to issuance of grading permits, the developer shall fully comply with  
4.7-2 the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under an Work Plan/Remediation Action Plan, approved and overseen by the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.

Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that the Orange County Health Care Agency, or other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.

- \* MM 4.7-3 16. Prior to the issuance of building permits for the new commercial building complex, the developer shall submit a **"letter of case closure"** from the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues. This letter shall be remitted to the City of Costa Mesa Planning Division and shall indicate that the developer completed remediation requirements for the site.
17. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-07-39 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
18. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Fire Eng. 19. Provide one (1) Class A fire hydrant to be located near Building no. 5.
20. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.

\*These are mitigation measures of the negative declaration have been included as conditions of approval. If any of these conditions are removed, the decision-making body must make a finding that the project will still not result in significant environmental impacts and that the negative declaration is still valid.

**EXHIBIT "C"**

## Mitigation Monitoring Program

Environmental Section	Timing	Responsible Party
<b>MITIGATION MEASURES</b>		
<b>HAZARDOUS MATERIALS</b>		
<p><b>MM 4.7-1</b> Prior to issuance of a demolition or building permit for interior renovation related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.</p> <p>Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.</p> <p>The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.</p>	Prior to issuance of demolition or building permit for interior renovation	Developer
<p><b>MM 4.7-2</b> Prior to issuance of grading permits, the developer shall fully comply with the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under an Work Plan/Remediation Action Plan, approved and overseen by the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.</p>	Prior to issuance of grading permits	Developer

<p><b>MM 4.7-3</b></p>	<p>Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that the Orange County Health Care Agency, or other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.</p> <p>Prior to the issuance of building permits for the new commercial building complex, the developer shall submit a "<b>letter of case closure</b>" from the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues. This letter shall be remitted to the City of Costa Mesa Planning Division and shall indicate that the developer completed remediation requirements for the site.</p>	<p>Prior to issuance of building permits for new commercial buildings</p>	<p>Developer</p>
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**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-07-39**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Anna R. Lauri of Red Mountain Retail Group for Harbor Hamilton, LLC, owner of real properties located at 2089, 2099 Harbor Boulevard and 511 Hamilton Street, requesting approval of a master plan to remodel three existing buildings and construct four new buildings for a 19,000 square-foot commercial center; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008.

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared, which reflects the independent judgment of the City of Costa Mesa, and was available for public review from October 22, 2008, to November 10, 2008, as required by CEQA.

WHEREAS, the Planning Commission has reviewed the Initial Study/Mitigated Negative Declaration and has found that it considers all environmental impacts of the proposed project and is complete and adequate and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

WHEREAS, the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that the Costa Mesa Planning Commission does hereby **ADOPTS** the Initial Study/Mitigated Negative Declaration as complete and adequate in that it addresses all environmental effects on the project and fully complies with the requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-07-39 with respect to the property described above.

**PASSED AND ADOPTED this 10<sup>th</sup> day of November, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (DENIAL)**

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - 1. The proposed use is not compatible and harmonious with uses on surrounding properties.
  - 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan does not meet the broader goals of the General Plan and the Zoning Code.
- C. The Costa Mesa Planning Commission has denied PA-08-12. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

Application Justification

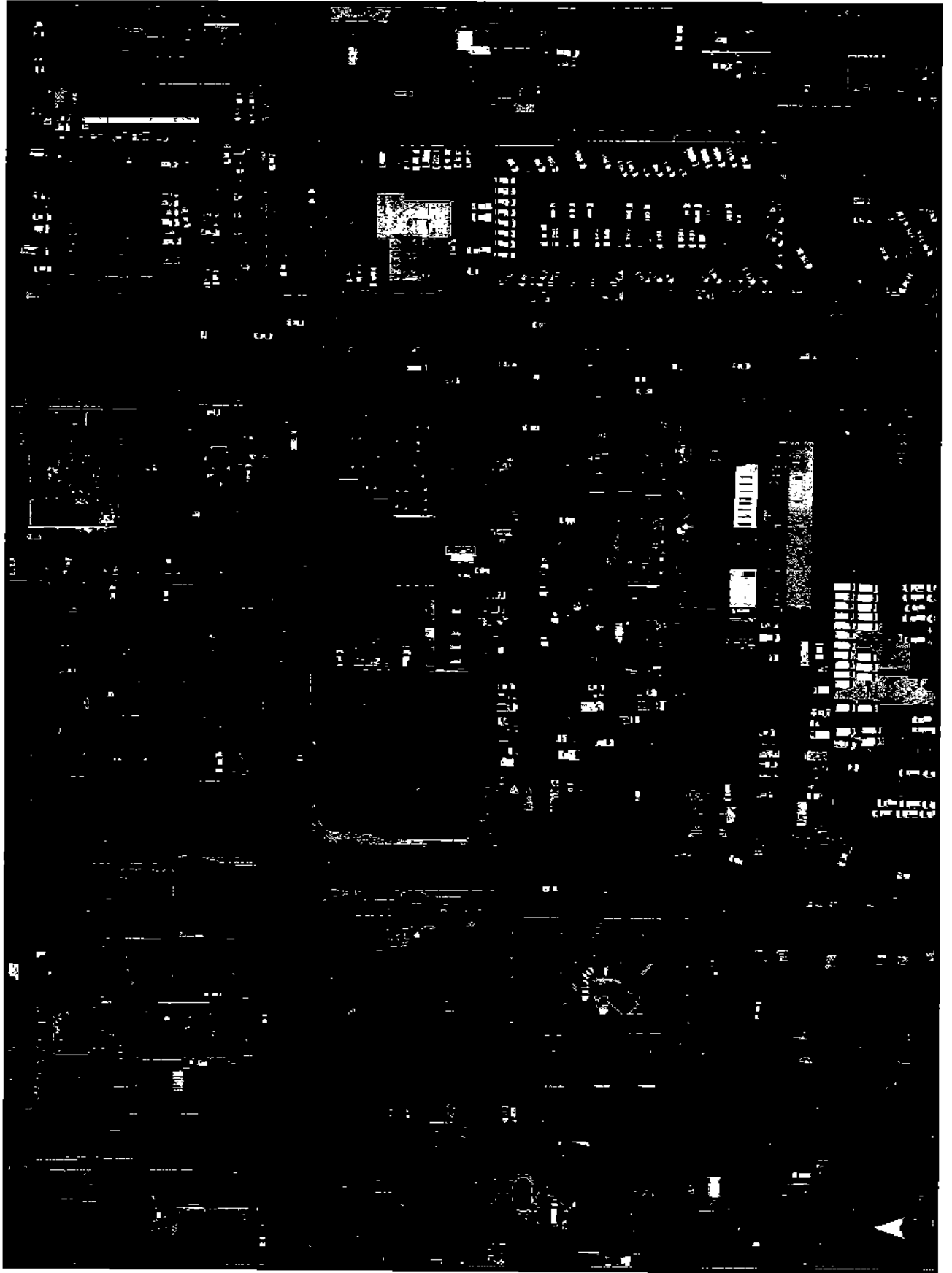
Currently this site is 100% vacant, the intent of this redevelopment is to bring life back to this integral corner in the City of Costa Mesa. The site is located on a major thoroughfare in the City (Harbor Blvd) with many commercial uses surrounding it, and is bounded by a residential neighborhood.

The project consists of a remodel of the existing buildings on-site. The remodel and reuse of buildings and centers is something Harbor Hamilton, LLC is passionate about. Remodels aid in utilization existing buildings and keeping these materials out of landfills. In addition to the remodel of the existing buildings, we are proposing the addition of three (3) new buildings to help to integrate the entire site.

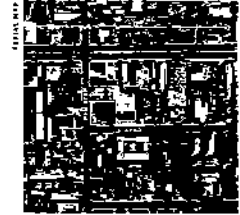
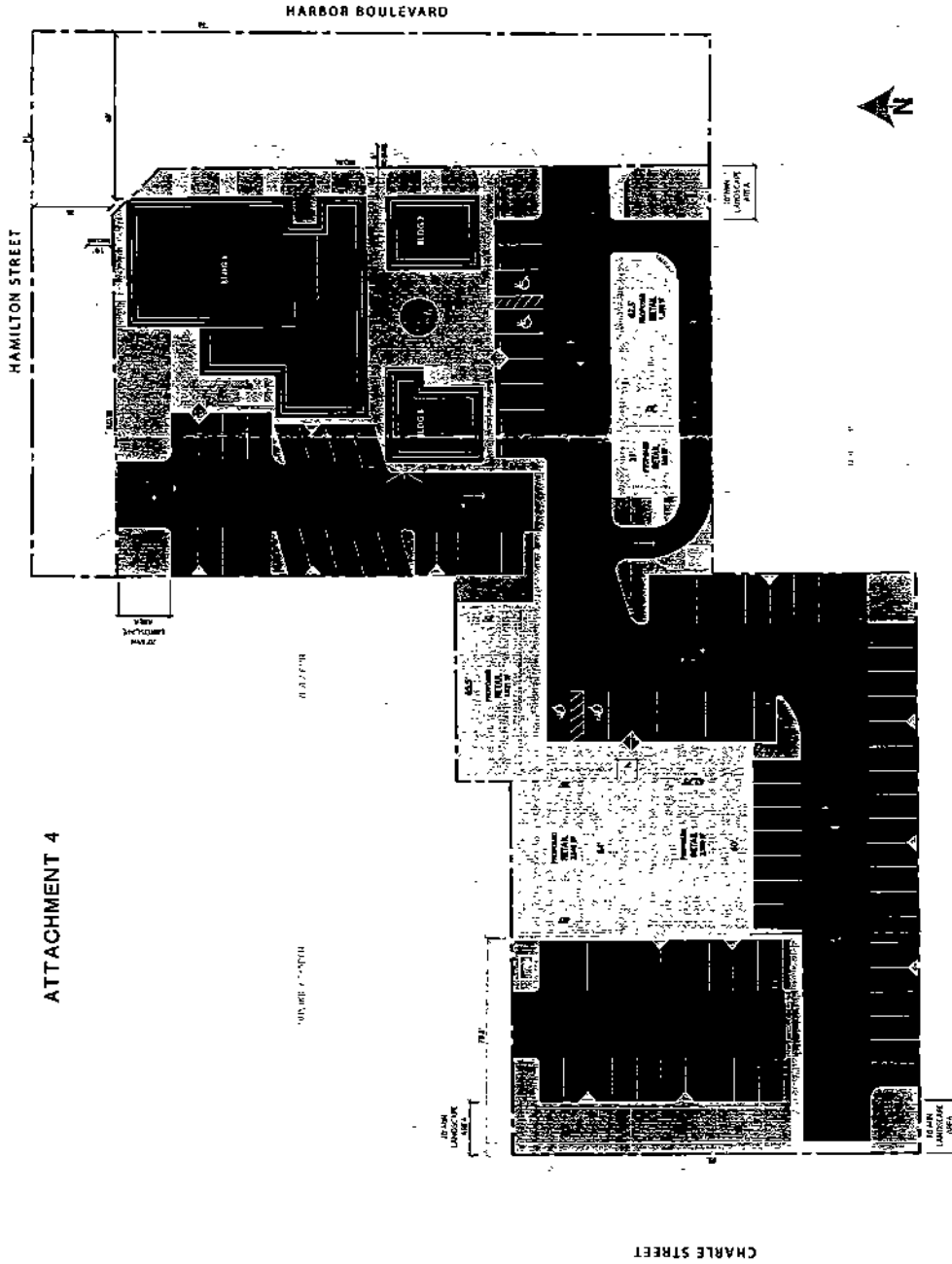
Our tenant mix will be designed to support both the commercial thorough fare, as well as add to the community and neighbors bounding the site with a redeveloped, tenanted and integrated center. We anticipate exciting activity at the property with patrons being able to complete multiple “stops” at one center.

The development and the tenant mix are in line with the zoning of the property as well as the goals and objectives listed within the General Plan.

ATTACHMENT 3  
LOCATION MAP



# ATTACHMENT 4



## PROJECT DATA

2089 & 2099 HARBOR BOULEVARD  
511 HAMILTON STREET  
COSTA MESA, CA  
APN: 422-091-01/02/06/07/08/09  
SITE AREA: 86,565 SF / 1.53 ACRE

## RETAIL

BUILDING 1 (EXISTING)  
RETAIL: 5,918 SF  
OFFICE: 2,633 SF  
BUILDING 2 (EXISTING) 980 SF  
BUILDING 3 (EXISTING) MODIFICATIONS  
1,000 SF  
BUILDING 4 (NEW) 1,740 SF  
BUILDING 5 (NEW) 1,621 SF  
BUILDING 6 (NEW) 2,548 SF  
BUILDING 7 (NEW) 2,560 SF

TOTAL BLDG AREA: 19,000 SF

EXISTING BLDG AREA: 10,511 SF  
RETAIL LANDSCAPE AREA: 8,499 SF

## FAIR

19,000 SF BLDG / 66,565 NET SITE AREA = 0.29 FAIR

## LOT COVERAGE

NET SITE: 16,360 SF COVER / 66,565 NET SITE AREA = 24.58%

## PARKING PROVIDED

96 SPACES  
89 STANDARD STALLS (9' X 18')  
6 COMPACT STALLS (8' X 16')  
PARKING RATIO: 3.07 / 1000

## LANDSCAPE

INTERNAL LANDSCAPE AREA: 2,445 SF  
REQUIRED 25% PARKING STALL  
96 STALLS X 2.5 SF = 24.75 SF

RED MOUNTAIN  
Retail Group

Client: Harbor Boulevard & Hamilton Street  
Project Address: 2089 & 2099 Harbor Boulevard, 511 Hamilton Street  
Costa Mesa, CA 92626  
APN: 422-091-01/02/06/07/08/09

HAMILTON MAIL IN-07-09

CITY OF COSTA MESA

5404 TINSLEY  
COSTA MESA, CA 92626  
714.441.1111

A1 SITE AERIAL  
A2 RETAIL BLDG 1  
A3 RETAIL BLDG 2  
A4 RETAIL BLDG 3  
A5 RETAIL BLDG 4  
A6 RETAIL BLDG 5  
A7 RETAIL BLDG 6  
A8 RETAIL BLDG 7  
A9 RETAIL BLDG 8  
A10 EXTERIOR VIEWS  
A11 EXTERIOR VIEWS  
A12 EXTERIOR VIEWS  
A13 MATERIALS

1" = 20'

SITE  
AERIAL

A.1

VIEW: NORTHEAST

MASTER PLAN 04-07-39  
CITY OF CUSIA MESA  
SALINITY LLC  
5/27/2017 MLS LLC

**RCD MOUNTAIN**  
Retail Group

Owner: RCD MOUNTAIN - HARBOR & HAMILTON, LLC  
Project Address: 2089 & 2099 Harbor Blvd., 511 Hamilton Street  
17224, 17th Street, Harbor & Hamilton Blvd, CA 92607  
Contact: Kenny R. Ruff, 714, 400, 1500  
APN: 622 091 01, 02, 04, 07, 09, 09

- A.1 SITE AERIAL
- A.2 RETAIL BLDG 1
- A.3 RETAIL BLDG 2
- A.4 RETAIL BLDG 3
- A.5 RETAIL BLDG 4
- A.6 RETAIL BLDG 5
- A.7 RETAIL BLDG 6
- A.8 RETAIL BLDG 7
- A.9 RETAIL BLDG 8
- A.10 EXTENSION VIEWS
- A.11 EXTERIOR VIEWS
- A.12 MATERIALS

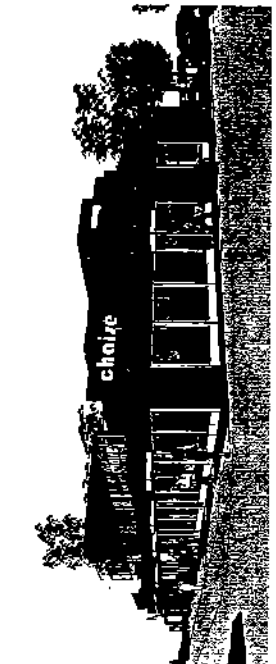
SCALE  
1" = 10'  
1" = 10'

**RETAIL BUILDING 1**  
ELEVATIONS

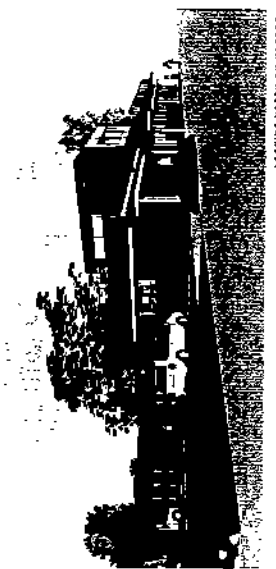
A2



TWO STORY PORTION OF BLDG 1, ALONG HARBOR



CORNER VIEW OF HARBOR AND HAMILTON



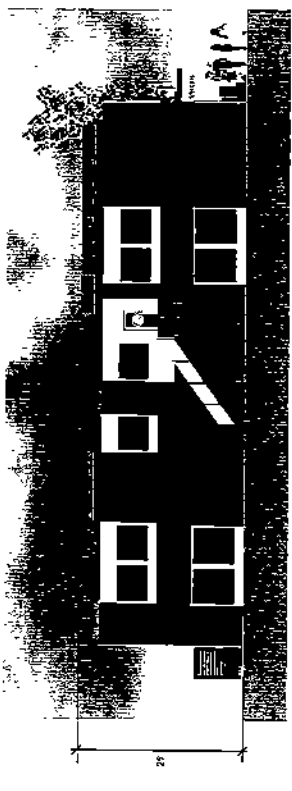
LOOKING NORTH ON HARBOR



EAST HARBOR SIDE ELEVATION

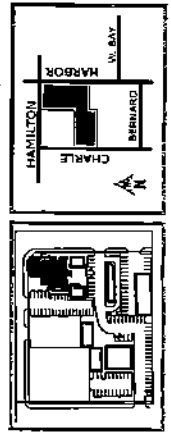


NORTH HAMILTON STREET ELEVATION



SOUTH

WEST 21



KEY SITE PLAN

VICINITY MAP

## RETAIL BUILDING 1 FIRST FLOOR

SCALE 100 = 1:00"

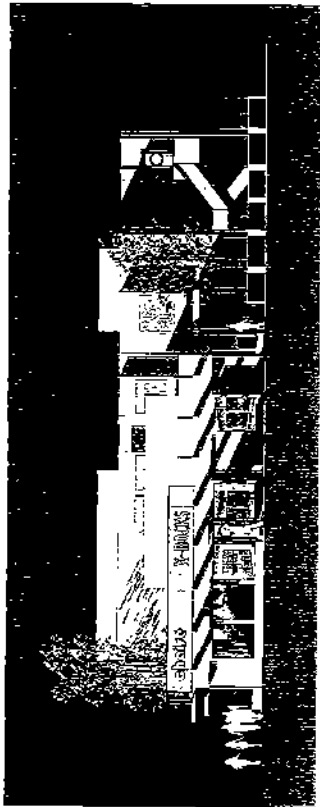
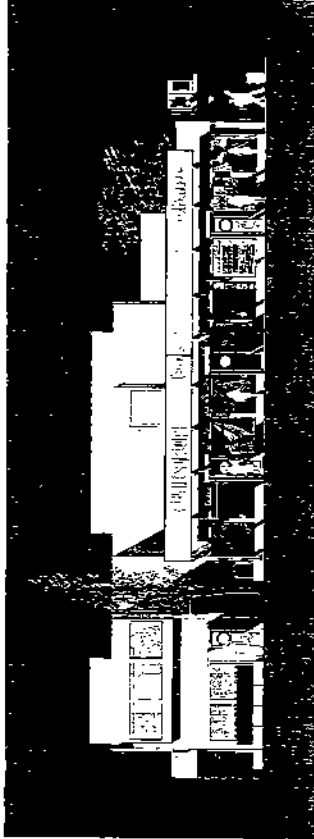
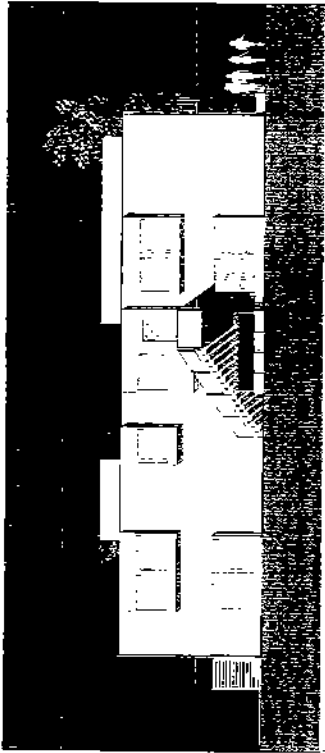
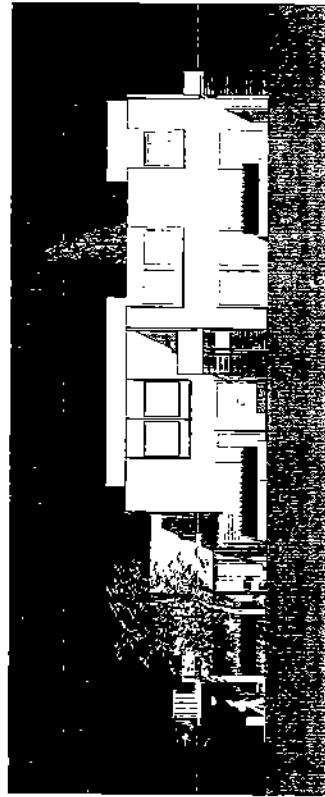
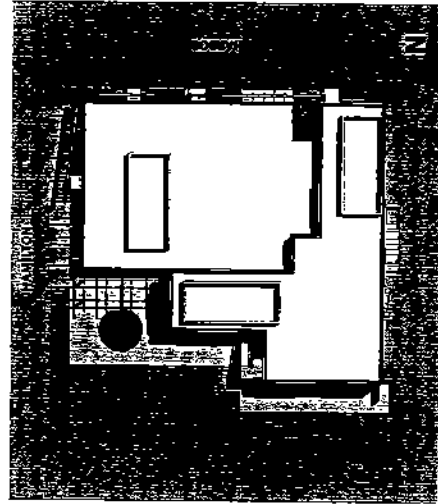
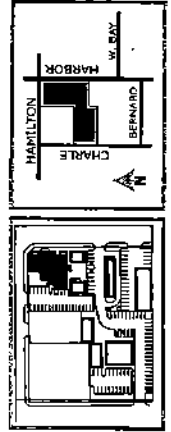
- A.1 SITE ATTERAL
- A.2 RETAIL BLDG 1
- A.3 RETAIL BLDG 1
- A.4 RETAIL BLDG 2
- A.5 RETAIL BLDG 3
- A.6 RETAIL BLDG 4
- A.7 RETAIL BLDG 4
- A.8 RETAIL BLDG 5, 6 & 7
- A.8.1 RETAIL BLDG 5, 6 & 7
- A.9 RETAIL BLDG 1, 6 & 7
- A.10 EXTERIOR VIEWS
- A.11 EXTERIOR VIEWS
- A.12 MATERIALS
- A.12.1 MATERIALS

**RED MOUNTAIN**  
Retail Group

Owners/Engineers: HANDBOR & HAMILTON, LLC  
 1234 E. 17th Street, Suite 400 (CA 90771)  
 Contact: Anna E. Hart 714.460.1520  
 Project Address: 2089 & 2099 Handbor Blvd., \$11 Hamilton Street  
 APN: 222-091-0103/04/07/08/09

CITY OF COSTA MESA  
5/10/08 TWLS LLC  
5/27/08 TWLS LLC

MASTER PLAN PA-07-19



MASTER PLAN 07-30  
CITY OF COSTA MESA  
P/0001/01/02/06/07/08/09  
P/0001/01/02/06/07/08/09

RED MOUNTAIN  
Retail Group  
1214 E. 17th Street, Suite 100, CA 92701  
Project Address: 2009 Harbor Blvd, 511 Hamilton Street  
APN: A22-091-01-02-06-07-08-09

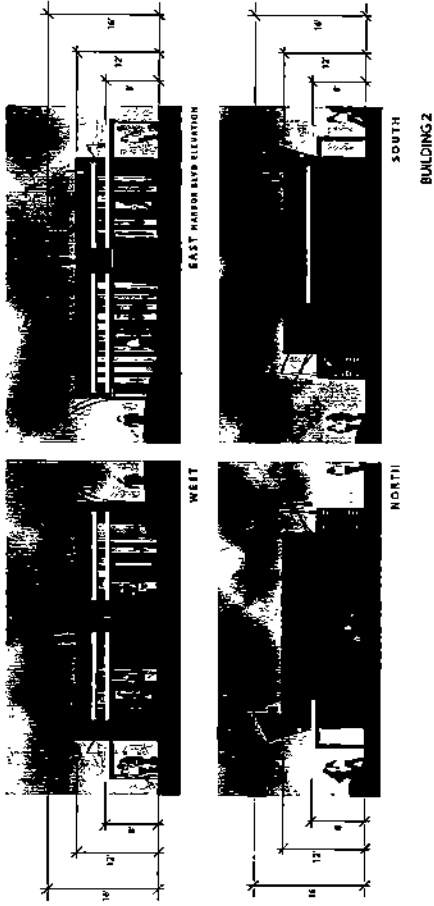
RED MOUNTAIN  
Retail Group

- A1 SITE AERIAL
- A2 RETAIL BLDG 1
- A3 RETAIL BLDG 2
- A4 RETAIL BLDG 3
- A5 RETAIL BLDG 4
- A6 RETAIL BLDG 5
- A7 RETAIL BLDG 6
- A8 RETAIL BLDG 7
- A9 RETAIL BLDG 8
- A10 EXTERIOR VIEWS
- A11 EXTERIOR VIEWS
- A12 MATERIALS

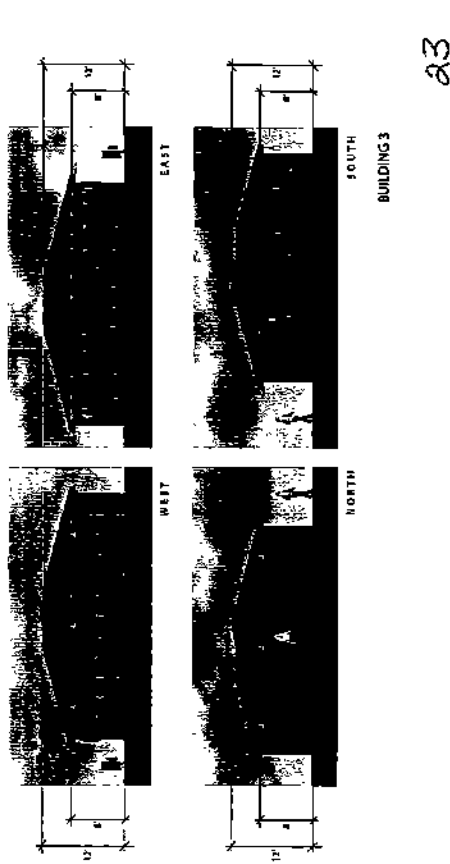
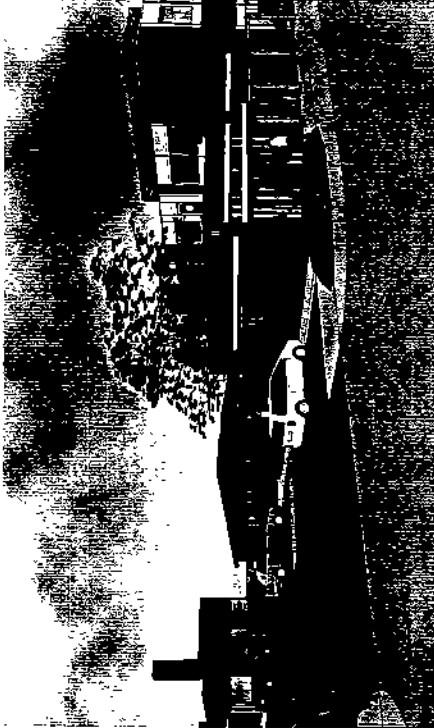
SCALE  
1/8" = 1'-0"

RETAIL  
BUILDINGS 2 & 3  
EXISTING/ADDITIONS

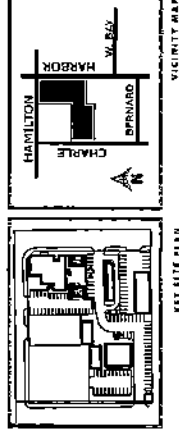
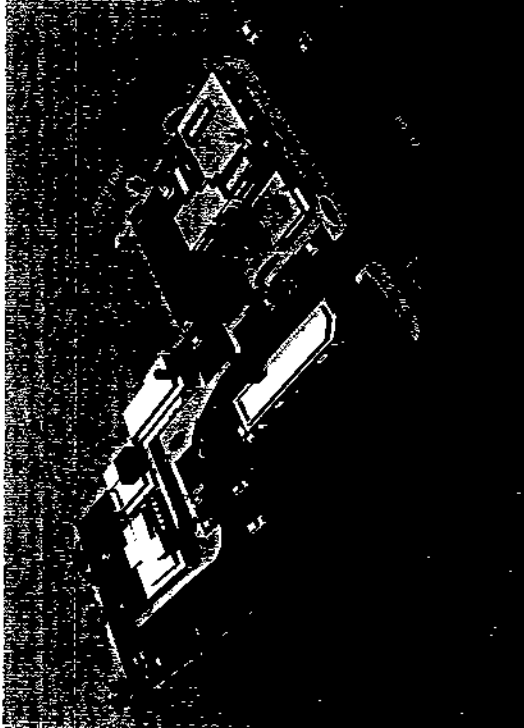
A4



VIEW FROM HARBOUR BOULEVARD



VIEW LOOKING NORTHWEST



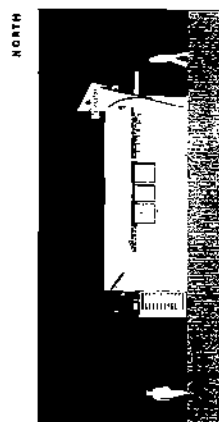
KEY SITE PLAN  
VICINITY MAP

- A.1 SITE RETAIL
- A.2 RETAIL BLDG 1
- A.3 RETAIL BLDG 1
- A.4 RETAIL BLDG 2&3
- A.5 RETAIL BLDG 2&3
- A.6 RETAIL BLDG 4
- A.7 RETAIL BLDG 4
- A.8 RETAIL BLDG 5&6
- A.9 RETAIL BLDG 5&6
- A.10 EXTERIOR VIEWS
- A.11 EXTERIOR VIEWS
- A.12 MATERIALS
- A.12.1 MATERIALS

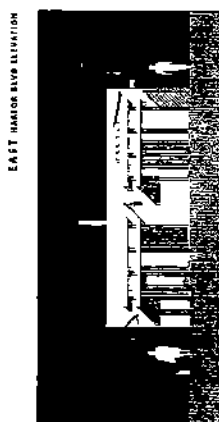
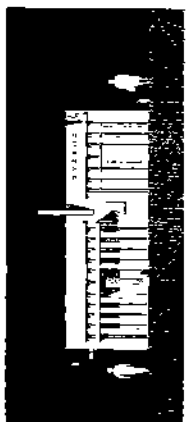
SCALE  
1/8" = 1'

RETAIL  
BUILDINGS 2 & 3  
EXISTING/MODIFICATIONS

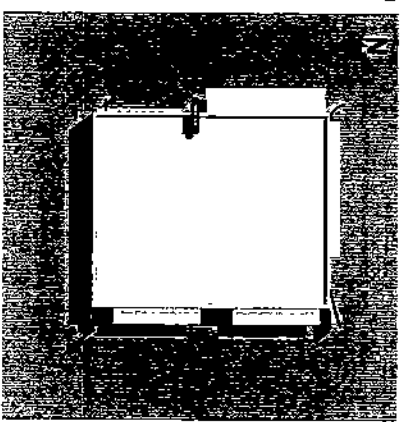
A.5



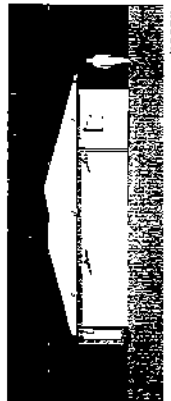
SOUTH  
BUILDING 2



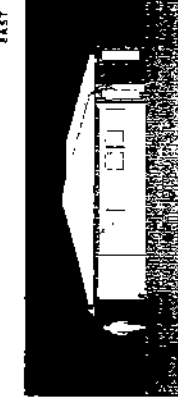
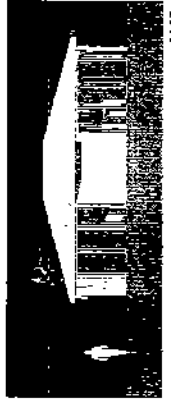
WEST



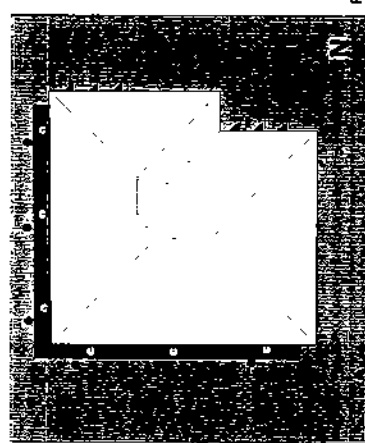
PLAN  
BUILDING 2



SOUTH  
BUILDING 3



WEST

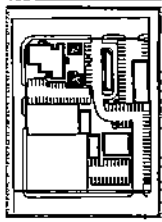


PLAN  
BUILDING 3

24



VICINITY MAP



KEY SITE PLAN



**RED MOUNTAIN**  
Retail Group

Consulting: HARBOR & HAMILTON, LLC  
1295, Richardson Road, Suite 200, CA 92021  
Contact: Anna B. Lamm 714-460-1500

Project Address: 3000 Harbor Blvd., 511 Hamilton Street  
SVC of Harbor Blvd and Hamilton Street  
APN 422 091-01-02-00-037000-09

CITY OF COSTA MESA  
SARUMTAS LLC  
52703 TWS LLC  
72808 TWS LLC

MASTER PLAN #A-09-59

**RETAIL BUILDING 4**  
RBN

SCALE  
1/8" = 1'-0"

**A.6**

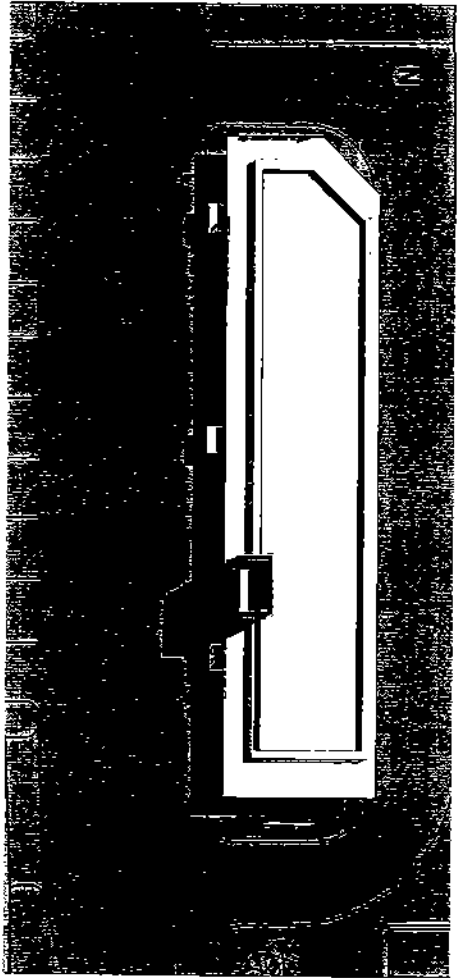
25

**KEY SITE PLAN**

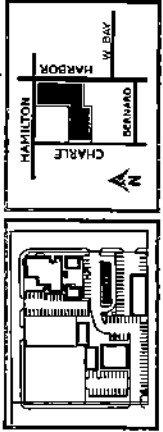
**VICINITY MAP**

HAMILTON  
HARBOR  
CHARLE  
BENARD

A.1 SITE AREA  
A.2 RETAIL BLDG 1  
A.3 RETAIL BLDG 2  
A.4 RETAIL BLDG 3  
A.5 RETAIL BLDG 4  
A.6 RETAIL BLDG 5  
A.7 RETAIL BLDG 6  
A.8 RETAIL BLDG 7  
A.9 RETAIL BLDG 8  
A.10 EXTERIOR PARKING  
A.11 EXTERIOR DRIVEWAY  
A.12 MATERIALS



PLAN VIEW



VICINITY MAP

KEY SITE PLAN

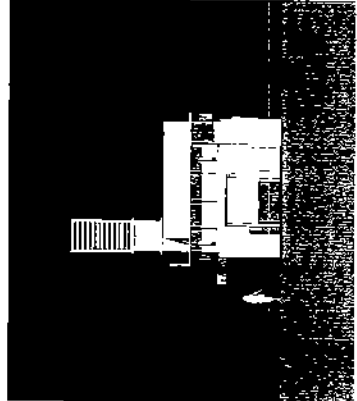
- A.1 SITE AERIAL
- A.2 RETAIL BLDG 1
- A.3 RETAIL BLDG 2
- A.4 RETAIL BLDG 3
- A.5 RETAIL BLDG 4
- A.6 RETAIL BLDG 5
- A.7 RETAIL BLDG 6
- A.8 RETAIL BLDG 7
- A.9 RETAIL BLDG 8
- A.10 EXTERIOR VIEWS
- A.11 EXTERIOR VIEWS
- A.12 MATERIALS
- A.13 MATERIALS

SCALE  
1/8" = 1'-0"

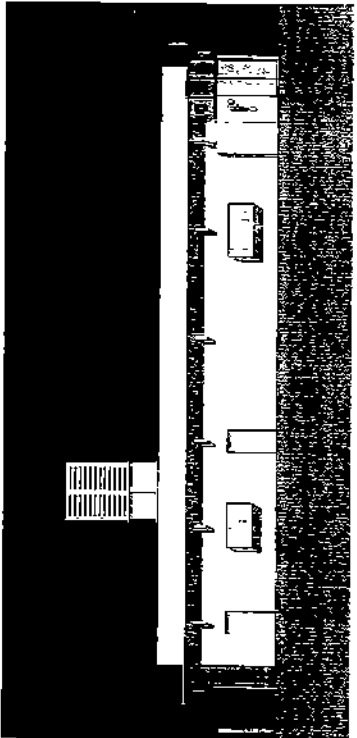
**RETAIL BUILDING 4**

A.7

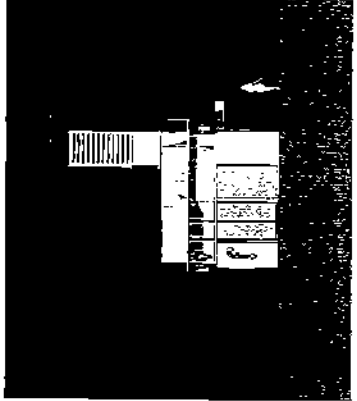
WEST



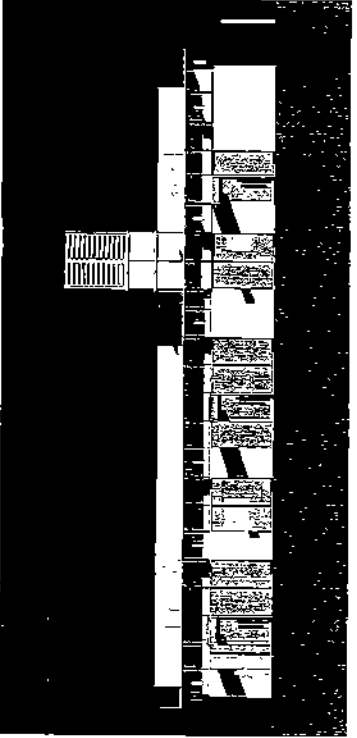
SOUTH



EAST HARBOR SEVO ELEVATION



NORTH

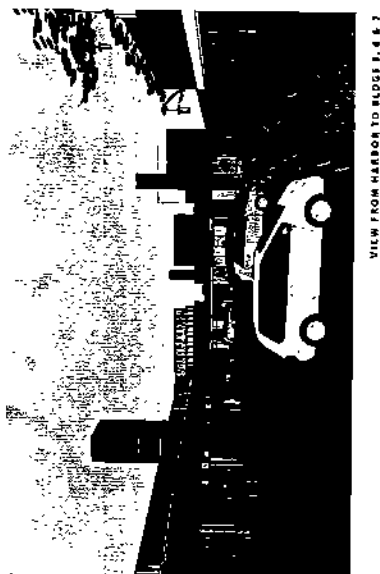
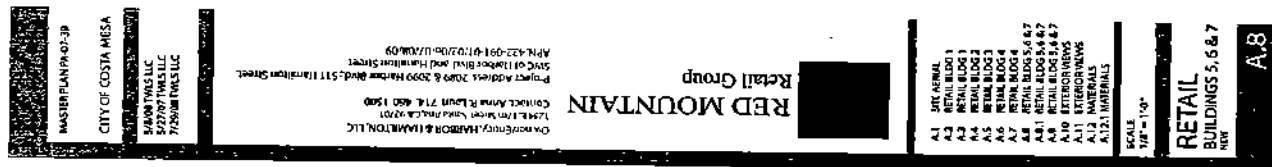


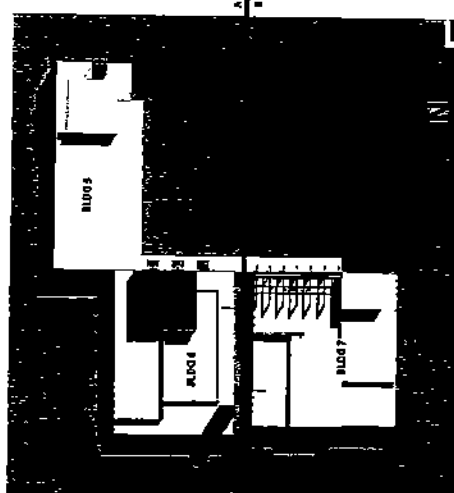
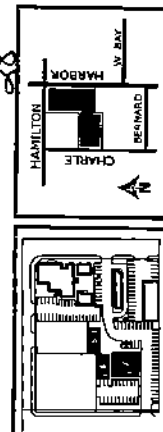
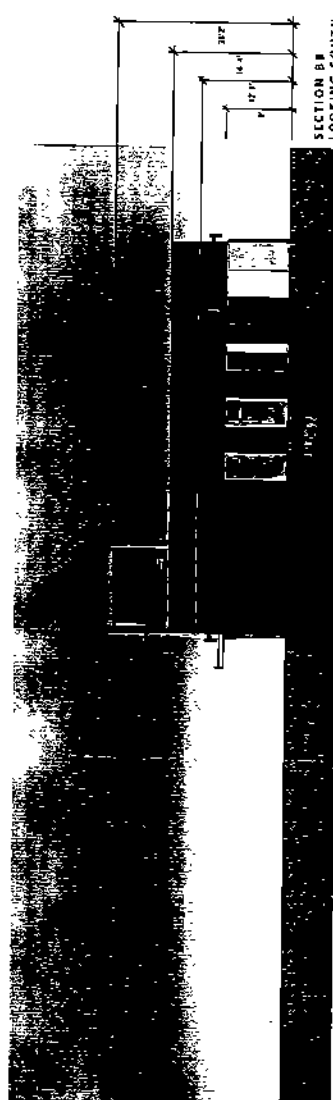
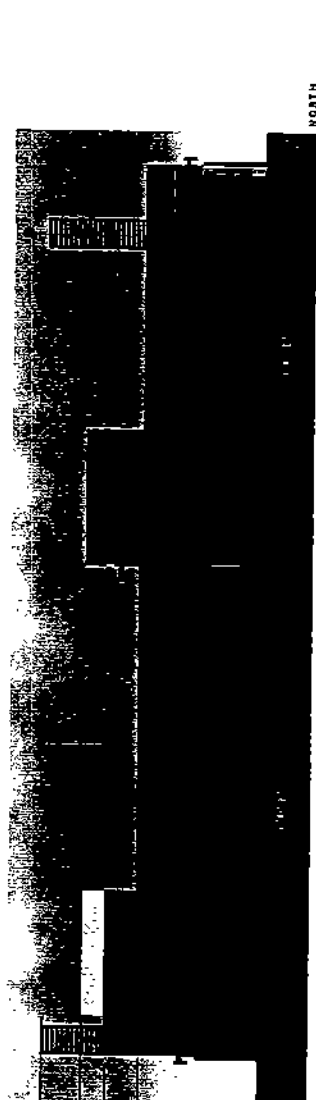
**RED MOUNTAIN**

Retail Group

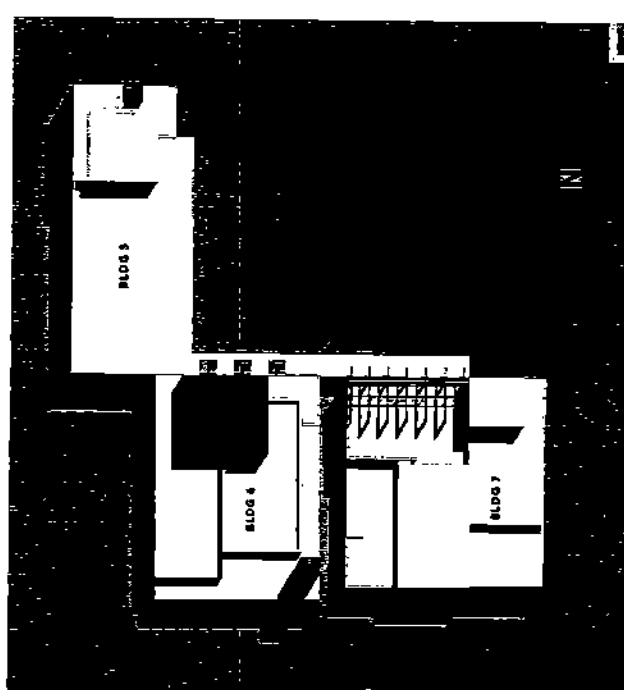
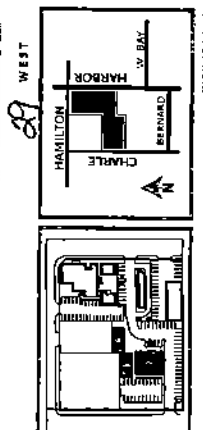
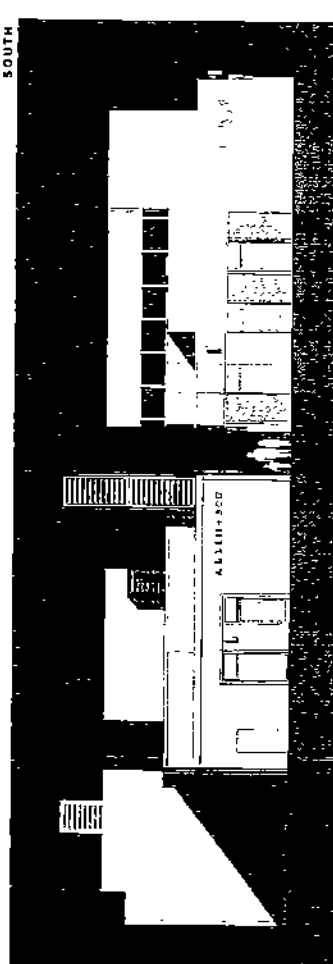
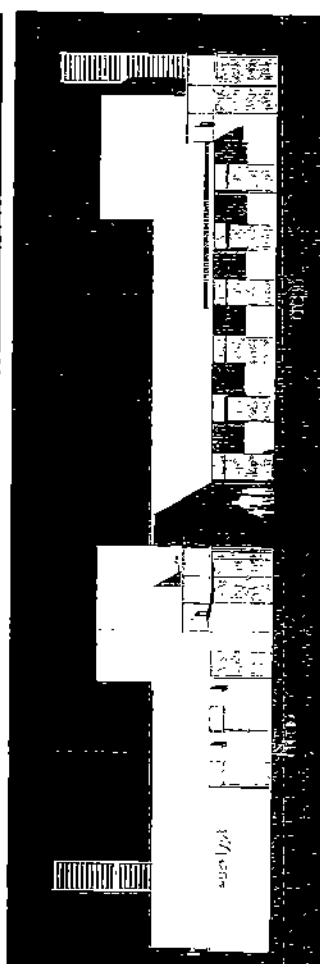
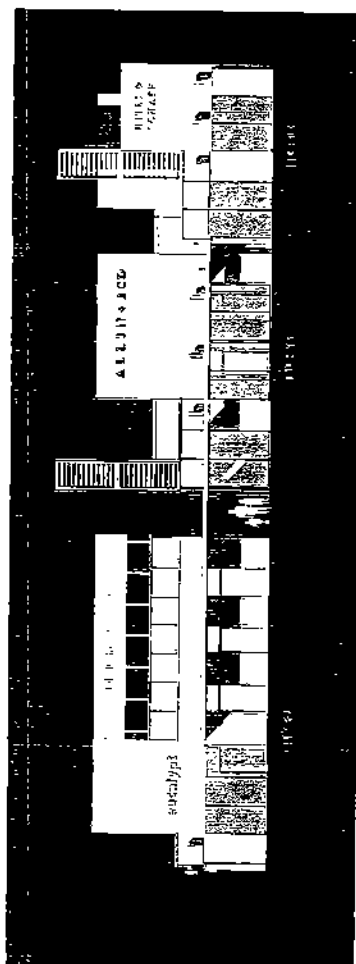
Commerce/Harbor/Hamilton & Hamilton, LLC  
1244 E. 18th Street, Suite 100, Anchorage, AK 99501  
Project Address: 2009 E. 209th Street, Anchorage, AK 99501  
APN: 422-091-0102/06/07 04/09

MASTER PLAN 07/30  
CITY OF COSTA MESA  
SUBMITTAL





- |      |                 |         |
|------|-----------------|---------|
| A.1  | SITE AERIAL     |         |
| A.2  | RETAIL BLDG 1   | 5.6.4.7 |
| A.3  | RETAIL BLDG 2   | 5.6.4.7 |
| A.4  | RETAIL BLDG 3   | 5.6.4.7 |
| A.5  | RETAIL BLDG 4   | 5.6.4.7 |
| A.6  | RETAIL BLDG 5   | 5.6.4.7 |
| A.7  | RETAIL BLDG 6   | 5.6.4.7 |
| A.8  | RETAIL BLDG 7   | 5.6.4.7 |
| A.9  | EXTENSION VIEWS |         |
| A.10 | EXTENSION VIEWS |         |
| A.11 | EXTENSION VIEWS |         |
| A.12 | MATERIALS       |         |



WATERPAIN PA0733  
CITY OF COSTA MESA  
SUNSHINE THEATRE LLC  
5/27/08 THEATRE LLC

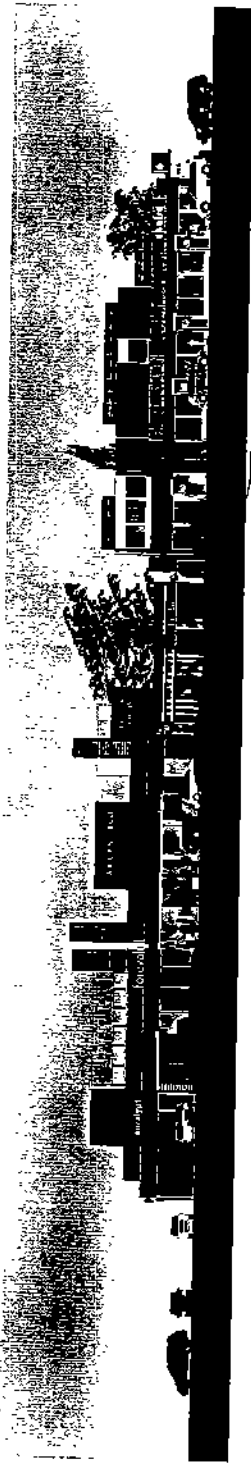
Overseas: HARBOR & HAMILTON, LLC  
12421, 10th Street, Suite 100, Costa Mesa, CA 92626  
Project Address: 2009 & 2099 Harbor Blvd, 511 Hamilton Street  
APN: 422-051 01-02-00-03-05B-09  
Contact: Anna Retail 714 461 1500

RED MOUNTAIN  
Retail Group

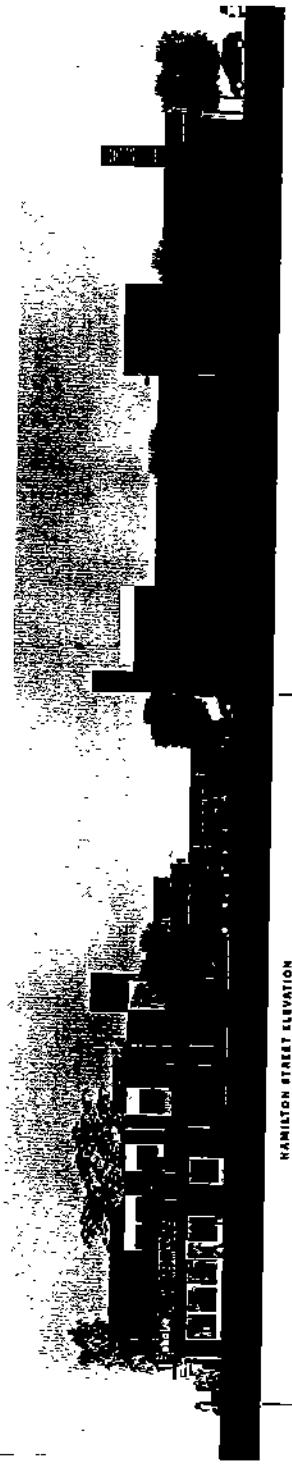
- A1 SITE PLAN
- A2 RETAIL BLDG 1
- A3 RETAIL BLDG 2
- A4 RETAIL BLDG 3
- A5 RETAIL BLDG 4
- A6 RETAIL BLDG 5
- A7 RETAIL BLDG 6
- A8 RETAIL BLDG 7
- A9 RETAIL BLDG 8
- A10 EXTERIOR VIEWS
- A11 EXTERIOR VIEWS
- A12 EXTERIOR VIEWS
- A13 MATERIALS

N.T.S.  
SITE VIEW  
ELEVATIONS

A.10

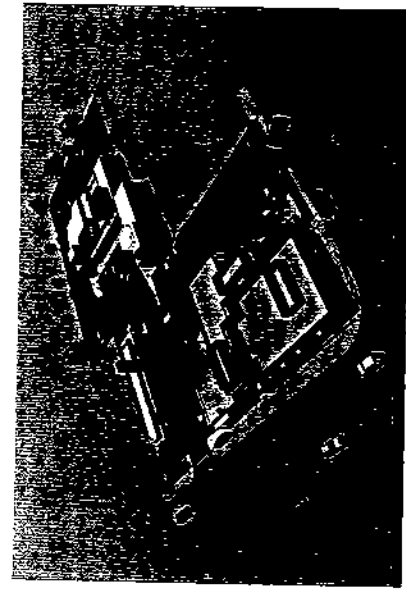


EAST HARBOR BOULEVARD ELEVATION

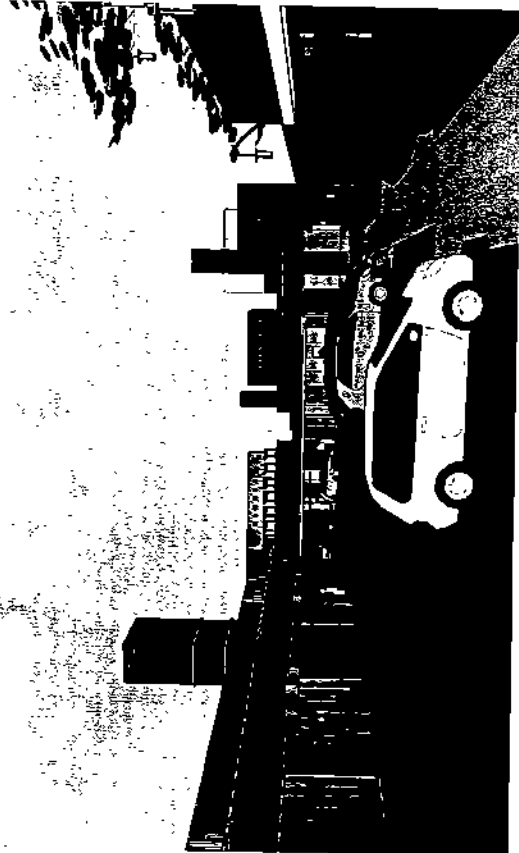


HAMILTON STREET ELEVATION

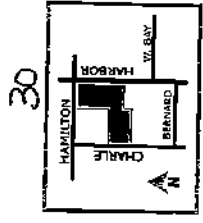
NORTH



VIEW LOOKING SOUTH



AUTO ENTRY FROM HARBOR BLVD



VICINITY MAP

# A11

## SITE VIEW ELEVATIONS

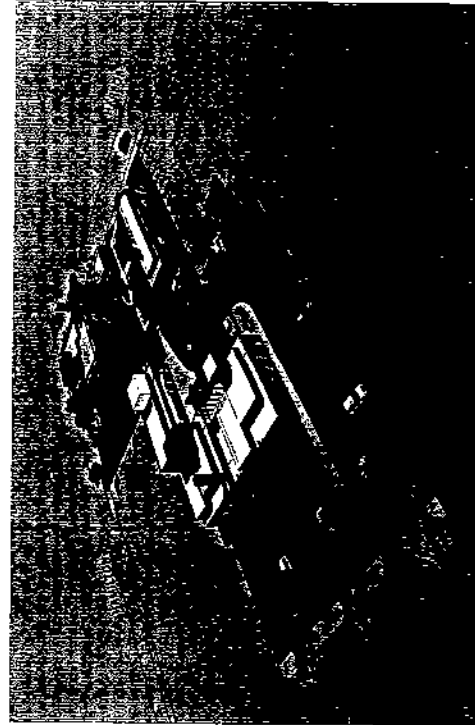
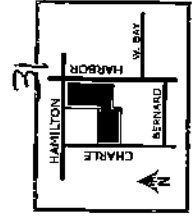
N.T.S.

A.1 SITE AERIAL  
A.2 RETAIL BLDG 1  
A.3 RETAIL BLDG 1  
A.4 RETAIL BLDG 2  
A.5 RETAIL BLDG 3  
A.6 RETAIL BLDG 4  
A.7 RETAIL BLDG 4  
A.8 RETAIL BLDG 5, 6 & 7  
A.9 RETAIL BLDG 5, 6 & 7  
A.10 EXTENSION VIEWS  
A.11 EXTENSION VIEWS  
A.12 MATERIALS

**RED MOON**  
Retail Group

OWNERS/ENTRY: HARBOR & HAMILLTON, LLC  
1234 L. L. HARBOR, SUITE 400, NEW YORK, NY 10001  
CONTACT: ARNOLD R. LEVIN, 714. 460. 1500  
PROPERTY ADDRESS: 2000 & 2005 HARBOR BLVD., 511 LAMARCA STREET  
NEW YORK, NY 10001-0200  
P/N: 442-091-01-02-00-02-00-00-00

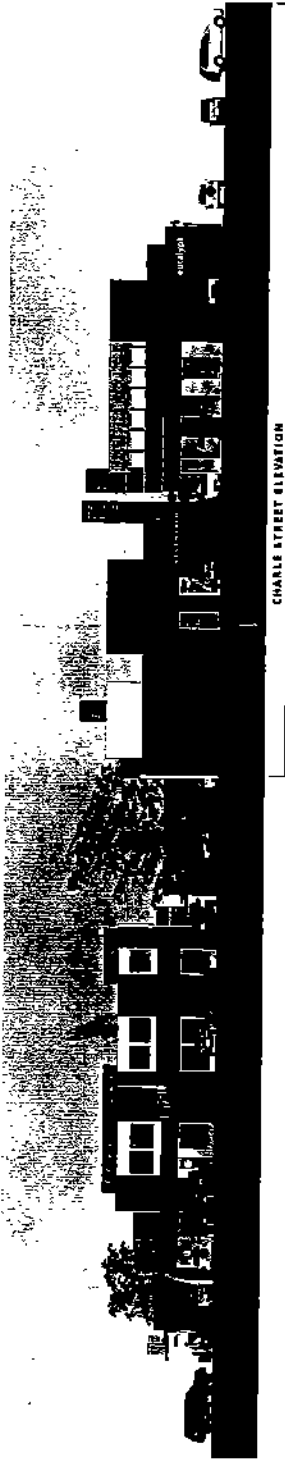
CITY OF COSTA MESA  
5/01/08 TMS LLC  
5/27/04 TMS LLC

CITY OF COSTA MESA  
HAASTER PLAN PR-07-39

**VIEW LOOKING NORTHEAST**



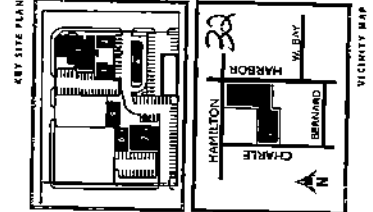
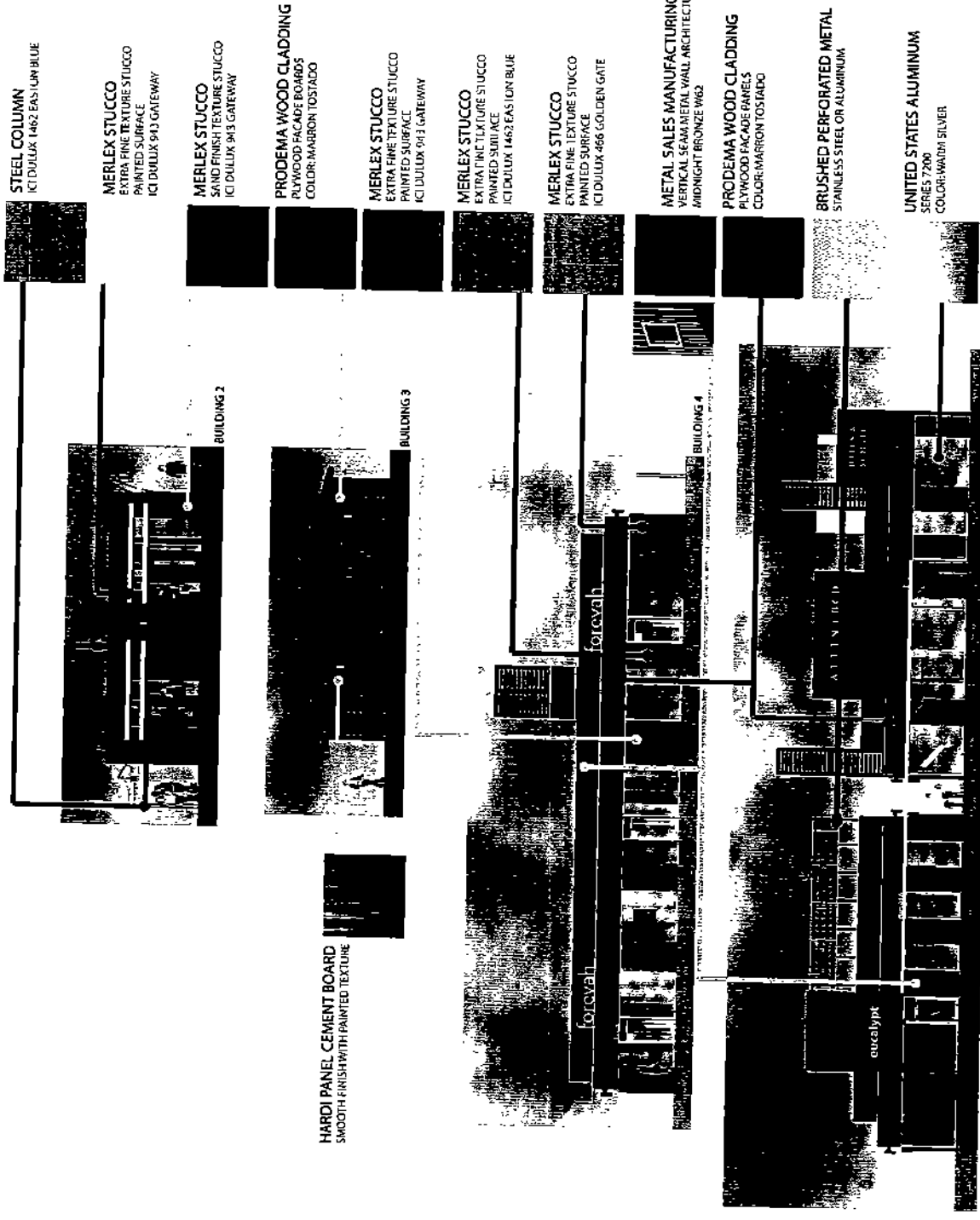
**AUTO ENTRY FROM HAMILTON**



**153M**



## SOUTH



**MATERIALS**

RTS.

**A112**

- A1 SITE AERIAL
- A2 RETAIL BLDG 1
- A3 RETAIL BLDG 2
- A4 RETAIL BLDG 3
- A5 RETAIL BLDG 4
- A6 RETAIL BLDG 5
- A7 RETAIL BLDG 6
- A8 RETAIL BLDG 7
- A9 RETAIL BLDG 8
- A10 EXTERIOR VIEWS
- A11 EXTERIOR VIEWS
- A12 MATERIALS
- A13 MATERIALS

**RED MOUNTAIN**

Retail Group

Owner: Henry Hamilton & Hamilton, LLC  
1234 E. 1st Street, Santa Ana, CA 92701  
Contact: Henry Hamilton, 714.460.1500  
Project Address: 2009 A. 2009 Hamilton Street  
Project: Hamilton Blvd and Hamilton Street  
APR 42-09-01-01/02/03/07/08/09

CITY OF COSTA MESA

3800 PINE LLC

32700 PINE LLC

MASTER PLAN (A102)B

MASTER PLAN PA-07-38  
CITY OF COSTA MESA  
SANDY TINS LLC

Overseer/Entity: HARBOR & HAMILTON, LLC  
1311 E. 17th Street, Suite 100, CA 92620  
Project Address: 2099 G. 2099 Harbor Blvd, 511 Hamilton Street  
APN: 432-091-01-002/06/07/08/09

RED MOUNTAIN  
Retail Group

- A1 SITE AERIAL
- A2 RETAIL BLDG 1
- A3 RETAIL BLDG 2
- A4 RETAIL BLDG 3
- A5 RETAIL BLDG 4
- A6 RETAIL BLDG 5
- A7 RETAIL BLDG 6
- A8 RETAIL BLDG 7
- A9 RETAIL BLDG 8
- A10 EXTERIOR VIEWS
- A11 EXTERIOR VIEWS
- A12 MATERIALS
- A13 MATERIALS

RTS

MATERIALS

A.12.1

PRODUCTS



METAL SALES MANUFACTURING CORPORATION  
VERTICAL SEAM METAL WALL ARCHITECTURAL PRODUCTS  
MIDNIGHT BRONZE W62



LOUVERED SCREEN PANEL  
NATURAL GALVANIZED STEEL



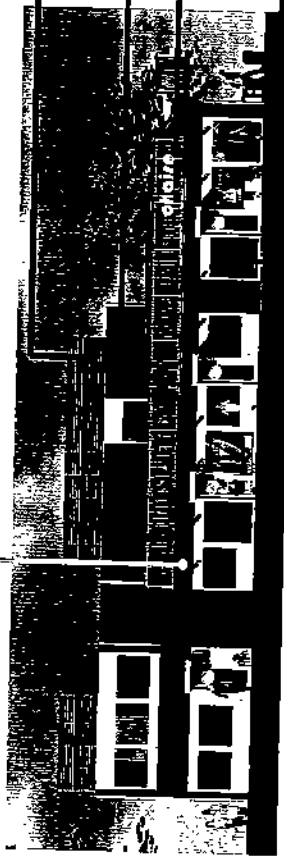
MERLEX STUCCO  
EXTRA FINE TEXTURE STUCCO  
HARD TROWEL SMOOTH FINISH  
NATURAL MICA DARK GRANITE



BRUSHED PERFORATED METAL  
STAINLESS STEEL OR ALUMINUM

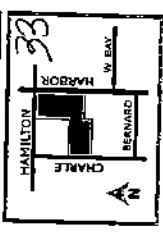
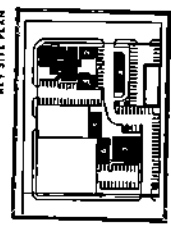


UNITED STATES ALUMINUM  
SERIES 7200 CENTER GLAZE WITH  
SOLID PANELS  
COLOR: WARM SILVER



BUILDING 1

KEY SITE PLAN



VICINITY MAP

# City of Costa Mesa

## Interoffice Memorandum

VL, 2a.

To: PLANNING COMMISSION  
From: WENDY SHIH, ASSOCIATE PLANNER/B  
Date: November 5, 2008  
Subject: SUPPLEMENTAL INFORMATION FOR PA-07-39  
SWC OF HARBOR BOULEVARD AND HAMILTON STREET  
PLANNING COMMISSION MEETING OF NOVEMBER 10, 2008

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Staff recommends revisions to the following mitigation measures to clarify that the Santa Ana Regional Water Quality Control Board may be the regulatory agency overseeing the site remediation, and to require a letter from the appropriate regulatory agency confirming either completion of the site remediation or suitability of the site for construction of commercial buildings prior to building permit issuance.

MM 4.7-2 Prior to issuance of grading permits, the developer shall fully comply with the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under a Work Plan/Remediation Action Plan, approved and overseen either by the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.

Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that either the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.

MM 4.7-3 Prior to the issuance of building permits for any of the new commercial buildings, the developer shall submit to the Planning Division either a **"letter of case closure"** or a letter stating that the site is deemed suitable for the construction of commercial buildings, from either the Santa Ana Regional Water Quality Control Board, Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues.

Per Public Resources Code 21080(f), should the Commission approve the project with the recommended changes to the mitigation measures, the Mitigated Negative Declaration does not require recirculation because the changes serve to clarify the intent of the

measures. The revised mitigation measures have also been incorporated into the conditions of approval.

Staff also recommends a new condition of approval (no. 21) to ensure the site is improved to the maximum extent feasible, should project construction require phasing due to site remediation activities or any other reason.

21. The site shall be improved to the maximum extent feasible, including, but not limited to, perimeter landscaping, block wall and gates along Charle Street, parking lot, and security lights, prior to occupancy of any of the new and/or existing buildings. This condition shall be completed under the direction of the Planning Division.

Attached are Exhibits "B" and "C" to the approval resolution which have been revised accordingly.

Attachment: Revised Exhibits "B" and "C"

cc: Deputy City Manager - Dev. Svs. Director  
Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Anna R. Lauri  
Red Mountain Retail Group  
1234 East 17<sup>th</sup> Street  
Santa Ana, CA 92701

## **EXHIBIT "B" (Revised)**

### **CONDITIONS OF APPROVAL (If project is approved)**

- Plng.
1. The applicant shall install a minimum 6-foot high decorative block wall with a 15-foot landscaped setback along Charle Street and 5-foot planter behind the wall. This condition shall be completed under the direction of the Planning Division.
  2. The applicant shall install a gate to close every night between 11 p.m. and 6 a.m. to prohibit access to Charle Street.
  3. Exterior elevations with sample color/materials board shall be submitted to the Planning Division as part of the plan check submittal package.
  4. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
  5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  6. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Division.
  7. All rooftop mechanical equipment shall be screened from view from on- and off-site under the direction of the Planning Division.
  8. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited.
  9. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.
  10. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.
  11. Demolition permits for existing structures shall be obtained and all work and

inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

12. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
13. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
- \* MM 14. Prior to issuance of a demolition or building permit for interior renovation  
4.7-1 related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.

Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.

The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.

- \* MM 15. Prior to issuance of grading permits, the developer shall fully comply with  
4.7-2 the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under a Work Plan/Remediation Action Plan, approved and overseen either by the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.

Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that either the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or

other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.

- \* MM 4.7-3 16. Prior to the issuance of building permits for any of the new commercial buildings, the developer shall submit to the Planning Division either a **"letter of case closure"** or a letter stating that the site is deemed suitable for the construction of commercial buildings, from either the Santa Ana Regional Water Quality Control Board, Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues.
17. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-07-39 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
18. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Fire 19. Provide one (1) Class A fire hydrant to be located near Building no. 5.
- Eng. 20. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
- Plng. 21. The site shall be improved to the maximum extent feasible, including, but not limited to, perimeter landscaping, block wall and gates along Charle Street, parking lot, and security lights, prior to occupancy of any of the new and/or existing buildings. This condition shall be completed under the direction of the Planning Division.

\* These mitigation measures of the negative declaration have been included as conditions of approval. If any of these conditions are removed, the decision-making body must make a finding that the project will still not result in significant environmental impacts and that the negative declaration is still valid.

## EXHIBIT "C" (Revised)

### Mitigation Monitoring Program

Environmental Section		Timing	Responsible Party
Mitigation Measures			
<b>HAZARDOUS MATERIALS</b>			
<b>MM 4.7-1</b>	<p>Prior to issuance of a demolition or building permit for interior renovation related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.</p> <p>Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.</p> <p>The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.</p>	Prior to issuance of demolition or building permit for interior renovation	Developer
<b>MM 4.7-2</b>	<p>Prior to issuance of grading permits, the developer shall fully comply with the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under a Work Plan/Remediation Action Plan, approved and overseen either by the Santa Ana Regional Water Quality Control Board, the Orange County Health Care</p>	Prior to issuance of grading permits	Developer

	<p>Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.</p> <p>Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that either the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.</p>		
<b>MM 4.7-3</b>	<p>Prior to the issuance of building permits for any of the new commercial buildings, the developer shall submit to the Planning Division either a <b>"letter of case closure"</b> or a letter stating that the site is deemed suitable for the construction of commercial buildings, from either the Santa Ana Regional Water Quality Control Board, Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues.</p>	<p>Prior to issuance of building permits for new commercial buildings</p>	<p>Developer</p>